

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CARENZO PITTMAN,)	No. ED103324
)	
Appellant,)	Appeal from the Circuit Court of
)	the City of St. Louis
vs.)	
)	
STATE OF MISSOURI,)	Honorable Elizabeth B. Hogan
)	
)	
Respondent.)	Filed: May 17, 2016

Carenzo Pittman (“Movant”) appeals from the judgment of the motion court denying his Rule 24.035¹ post-conviction relief motion without an evidentiary hearing. Movant on appeal asserts, in Point I, that the motion court clearly erred in denying his claim that his plea counsel was ineffective for advising him that if he entered a plea of guilty, the court would sentence him to ten years’ imprisonment. In Point II, Movant asserts the motion court clearly erred in denying his claim that his plea counsel was ineffective for failing to correct the sentencing court’s recitation of the facts because the court incorrectly recalled the facts that Movant pleaded guilty to at his guilty plea hearing.

AFFIRMED.

Division Two Holds: While the record is unclear as to when the complete transcript was filed, which is required to determine the timeliness of an amended motion, we find the motion court considered whether abandonment occurred under *Moore v. State*, 458 S.W.3d 822, 825 (Mo. banc 2015). Further, the motion court entered findings of fact and conclusions of law on all claims in Movant’s *pro se* motion and amended motion, making remand unnecessary. See *Childers v. State*, 462 S.W.3d 825, 828 (Mo. App. E.D. 2015). We affirm the motion court’s judgment as its findings and conclusions are not clearly erroneous.

- (1) The motion court did not clearly err because Movant fails to establish his guilty plea was involuntary in that his claim is directly refuted by the record of the guilty plea proceeding and the sentencing proceeding.
- (2) The motion court did not clearly err because the motion court had grounds to sentence Movant to seventeen years’ imprisonment, and Movant’s claim that he was prejudiced is without merit.

¹ Rule reference is to Missouri Supreme Court Rules (2015).

Opinion by: Angela T. Quigless, J.

Philip M. Hess, P.J. and Gary M. Gaertner, Jr., J., Concur.

Attorneys for Appellant: Maleaner R. Harvey

Attorneys for Respondent: Dora A. Fichter

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.